IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 112 OF 2005

IN

FIRST APPEAL NO. 88 OF 2005

MRS.MARIA ERTA TEREZA GOMES,VASCO DA GAMA,GOA. ....Applicants

Versus

SMT.MARIA AMALIA PEREIRA(DEC.)THROU'HER HEIRS ....Respondents

Shri M.S. Usgaoncar, Senior Advocate with Shri Iftikhar Agha,Advocate for the Applicant.

Mr.C.A.Coutinho, Advocate for the Respondent No.1.

Shri A.R. Kantak, Advocate for the Respondent No.2.

Coram:- R. M. LODHA &
N. A. BRITTO, JJ.

Date:- 6th September, 2005

Heard Shri Usgaoncar, learned Senior Advocate for the Applicant, Shri Coutinho, learned Advocate for the Respondent No.1 and learned Advocate Shri Kantak for the respondent No.2.

It is submitted that ad-interim order staying the operation of the impugned Award granted on 5.4.2005 may be ordered to remain operative until disposal of the First Appeal. We order accordingly.

As regards the prayer made in the Civil Application for direction to respondent No.1 to refund the amount of Rs.65,29,160/- along with interest at the rate of 12% per annum with effect from 7.2.96, we are satisfied that no such direction needs to be given to the respondent No.1. However we direct the Respondent No.1 to file an undertaking before this

Court within two weeks from today that in the event of the appellant succeeding in the appeal and in the light of the final order that may be passed by this Court in First Appeal, if any amount is liable to be refunded by the respondent No.1, the said respondent would do so within four weeks of the Judgment in the First Appeal along with simple interest at the rate of 6% per annum from the date of filing appeal before this Court until the date of actual payment.

Civil Application stands disposed of.

R. M. LODHA, J.

N. A. BRITTO, J.